

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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MAY - 6 1998

In the Matter of

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Billed Party Preference for  
InterLATA 0+ Calls

CC Docket No. 92-77

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS**

BellSouth Telecommunications, Inc.,<sup>1</sup> by counsel, files these comments in support of the various petitions for clarification, reconsideration, or waiver filed in this proceeding by AT&T Corp., the Ameritech Operating Companies, the Bell Atlantic Telephone Companies, and U S WEST, Inc.

**I. THE COMMISSION SHOULD CLARIFY THAT THE RATES TO BE PROVIDED TO CUSTOMERS INCLUDE ONLY THE CHARGES THAT WILL BE BILLED BY THE OPERATOR SERVICE PROVIDER**

In its own Petition for Clarification, BellSouth requested that the Commission clarify that where premises imposed fees are outside of the control of the carrier, such fees are not required to be disclosed audibly by the carrier. BellSouth at n.6. Similarly, AT&T seeks clarification that the rates to be provided to customers include only the charges that will be billed by the Operator Services Provider [OSP], including any location specific charges that will appear on the OSP's Bill. AT&T at 3. Bell Atlantic requests the Commission to confirm that the OSP is required to disclose only those surcharges that it bills for the aggregator. Bell Atlantic at 3. Ameritech asks the Commission to clarify that the surcharge disclosure requirement does not require disclosure of surcharges or premises imposed fees for which a carrier does not bill or which have not been

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<sup>1</sup> BellSouth Telecommunications, Inc., is a regional Bell operating company that provides telephone exchange and exchange access service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

expressly authorized in a presubscription contract between the carrier and the aggregator.

Ameritech at 20. *See also* US WEST at 10-12.

The Commission should grant the clarification requested by the carriers cited above. BellSouth can only quote charges that it actually bills. Like Ameritech and US West, BellSouth has not historically filed section 226 tariffs; it has filed section 203 tariffs which do not include surcharge or PIF information. Ameritech at 21, US West at 6. There are many cases in which an OSP will not have knowledge of surcharges such as those added by hotels to guest bills without the knowledge of the OSP. Bell Atlantic at 3. Nor would BellSouth know any surcharges imposed by a local exchange carrier serving a billed-to third party number for an intraLATA, interstate call placed over BellSouth's network. Ameritech at 22. There is in fact a wide range of location specific charges assessed and charging mechanisms used by aggregators that are generally not known to OSPs. AT&T at 3. Thus, the Commission should confirm that the OSP is required to disclose only those surcharges that it bills for the aggregator. Bell Atlantic at 3.

**II. THE COMMISSION SHOULD CLARIFY THAT THE REQUIREMENTS OF THE BILLED PARTY PREFERENCE FOR 0+, INTERLATA CALLS ORDER APPLY ONLY TO 0+, INTERLATA CALLS.**

Both Ameritech and US WEST make convincing arguments that the Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA") was not intended, and does not apply to local exchange carriers, even in those occasional instances where interstate service is provided. US WEST at 2, 5-6; Ameritech at 13-20. Bell Atlantic states that based on the history of this proceeding, the best reading of the "interstate, domestic, interexchange" language would be that the new OSP disclosure requirements do not apply to intraLATA calls, even interstate intraLATA calls. Bell Atlantic at 2-3.

As a practical matter, and as BellSouth noted in its own petition, BellSouth has no way of complying with the Commission's disclosure requirements on its small volume of interstate, intraLATA calls only; BellSouth must make modifications to its operator services platform for all 0+ intraLATA calls, the vast majority of which are wholly intrastate, in order that the price disclosure be made on the limited number of cross-state, intraLATA calls. Other carriers' operator services switches are similarly incapable of jurisdictionally separating traffic. US WEST at 6, Ameritech at 19. The Commission should therefore grant the requests of Ameritech, Bell Atlantic, BellSouth and US WEST and clarify that its recently adopted disclosure rules do not apply to intraLATA calls, regardless of the interstate nature of those calls.

#### CONCLUSION

The Commission should clarify that its recently adopted rules in this proceeding do not apply to 0- or to intraLATA calls. The Commission should further clarify that OSPs need only disclose those rates that it will actually bill the end-user on behalf of any aggregator.

Respectfully submitted,

BELLSOUTH CORPORATION

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DATE: May 6, 1998

### **CERTIFICATE OF SERVICE**

I do hereby certify that I have this 6th day of May, 1998, served all parties to this action with a copy of the foregoing **COMMENTS** by placing a true and correct copy of same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

  
Denise W. Tuttle

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